IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dayton, Ohio

Docket No. **11309.00**

Application of

Susan H. Schott et al.

Serial No. **10/691,229**

Filed: **October 22, 2003**

AUG 2 1 2009

Group Art Unit: **3696**

Examiner: **Daniel S. Felten**

For: **FINANCIAL DOCUMENT ITEM PROCESSING SYSTEM AND METHOD OF OPERATING A FINANCIAL DOCUMENT ITEM PROCESSING SYSTEM TO ENCODE/ENDORSE A FINANCIAL DOCUMENT ITEM HAVING A RADIO FREQUENCY IDENTIFICATION TAG**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

 This Appeal Brief is in furtherance of the Notice of Appeal filed in this case on **June 30, 2009.** Authorization is given to charge deposit account number 14-0225 for the fee under 37 C.F.R. 1.17 for filing the Appeal Brief.

(1) REAL PARTY IN INTEREST

 The present application is assigned to NCR Corporation of Maryland.

(2)   RELATED APPEALS AND INTERFERENCES

None.

(3)   STATUS OF CLAIMS

Claims 4, 5, 9, and 10 are withdrawn.

Claims 1-3 and 6-8 stand rejected.

Claims 1-3 and 6-8 are appealed and are attached as an appendix to this Appeal Brief.

(4)   STATUS OF AMENDMENTS

No amendment was submitted subsequent to the last rejection which was mailed on April 2, 2009.

(5)   SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1

A financial document item processing system 20 for processing a check 34 having a radio frequency identification (RFID) tag 36 associated therewith (page 6, lines 8-11; page 9, line 25; page 11, lines 17-22; Fig. 5), the system comprising:

a check transport path 72 along which the check can be transported from an upstream end of the check transport path to a downstream end of the check transport path (page 11, lines 17-20); and

an RFID tag endorser 80 disposed along the check transport path and for wirelessly transmitting check endorsement data to the RFID tag of the check transported along check transport path from the upstream end to the downstream end (page 12, lines 19-23; page 12, line 27 to page 13, line 3, Fig. 10).

Independent Claim 3

A financial document item processing system 20 for processing a check 34 having a radio frequency identification (RFID) tag 36 associated therewith (page 6, lines 8-11; page 9, line 25; page 11, lines 17-22; Fig. 5), the system comprising:

a check transport path 72 along which the check can be transported from an upstream end of the check transport path to a downstream end of the check transport path (page 11, lines 17-20); and

an RFID tag encoder 78 disposed along the check transport path and for wirelessly transmitting magnetic ink character recognition (MICR) encoded data to the RFID tag of the check transported along the check transport path from the upstream end to the downstream end (page 12, lines 16-17; page 12, lines 24-27; Fig. 10).

Independent Claim 6

A method of operating a financial document item processing system 20 for processing a check 34 having a radio frequency identification (RFID) tag 36 associated therewith (page 6, lines 8-11; page 9, line 25; page 11, lines 17-22; Fig. 5), the method comprising:

wirelessly transmitting check endorsement data to the RFID tag of the check transported along a check transport path of the item processing system from an upstream end of the check transport path to a downstream end of the check transport path (page 12, lines 19-23; page 12, line 27 to page 13, line 3, Fig. 10).

Independent Claim 8

A method of operating a financial document item processing system 20 for processing a check 34 having a radio frequency identification (RFID) tag 36 associated therewith (page 6, lines 8-11; page 9, line 25; page 11, lines 17-22; Fig. 5), the method comprising:

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wirelessly transmitting magnetic ink character recognition (MICR) encoded data to the RFID tag of the check transported along a check transport path of the item processing system from an upstream end of the check transport path to a downstream end of the check transport path (page 12, lines 16-17; page 12, lines 24-27; Fig. 10).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

An issue presented for review is whether each of claims 1-3 and 6-8 is patentable under 35 U.S.C. Section 103(a) over U.S. Patent No. 7,216,106 to Buchanan et al. ("Buchanan") in view of U.S. Patent No. 5,936,527 to Isaacman et al. ("Isaacman") and US. Patent No. 7,036,729 to Chung.

(7) ARGUMENT

Applicant would like to point out that the rejection of claims 1-3 and 6-8 of the present application is improper for at least the following reasons.

First, Applicant would like to point out that neither Buchanan et al. ("Buchanan") nor Isaacman et al. ("Isaacman") discloses checks being processed in which each check has a radio frequency identification (RFID) tag associated therewith. In this regard, Applicant notes that the Office refers specifically to column 5, line 50 to column 6, line 10, and column 6, lines 24-37 of Buchanan to suggest that an artisan at the time of the invention would recognize that RFID technology as being within the scope of Buchanan's invention to be practiced within a networking environment. However, Applicant would like to respectfully point out these cited text portions in Buchanan merely relate to computer software and hardware devices which operate between a remote site and a central site in a network environment. The cited text portions in Buchanan neither disclose nor even suggest systems or methods of communicating with RFID tags of checks (as recited in claims 1-3 and 6-8 of the present application).

Second, Applicant would like to point out that Isaacman does not cure any deficiency of Buchanan. In this regard, Applicant notes that Isaacman discloses using RFID tags to
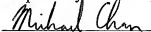
locate and track documents such as checks. Even arguendo if Buchanan disclosed checks having RFID tags and was modified in view of Isaacman, the modification would not result in systems or methods (as claimed in claims 1-3 and 6-8 of the present application) in which checks are either endorsed or encoded by wirelessly transmitting check endorsement data or MICR encoded data to RFID tags of the checks. Modified Buchanan would merely result in systems or methods in which checks can be located and tracked. Neither Buchanan nor Isaacman discloses or suggest systems or methods in which checks are either endorsed (as recited in claims 1 and 6 of the present application) or encoded (as recited in claims 2, 3, 7, and 8 of the present application) by wirelessly transmitting either check endorsement data or MICR encoded data to RFID tags of the checks.

Third, Applicant would like to point out that Chung also does not cure any deficiency of Buchanan. In this regard, Applicant notes that Chung discloses a relational check number as simply including numbers and/or codes which are stored in a memory segment of a smart tag memory (see column 10, lines 17-36 of Chung). The relational check number in Chung is neither check endorsement data (as recited in claims 1 and 6 of the present application) nor MICR encoded data (as recited in claims 2, 3, 7, and 8 of the present application).

Conclusion

In view of the forgoing reasons, it is clear that the rejection of claims 1-3 and 6-8 under 35 U.S.C. Section 103(a) is improper and, therefore, should be withdrawn. It is respectfully requested that the Board reverse the rejection of claims 1-3 and 6-8.

Respectfully submitted,

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(8)   CLAIMS APPENDIX

1.   A financial document item processing system for processing a check having a radio frequency identification (RFID) tag associated therewith, the system comprising:

a check transport path along which the check can be transported from an upstream end of the check transport path to a downstream end of the check transport path; and

an RFID tag endorser disposed along the check transport path and for wirelessly transmitting check endorsement data to the RFID tag of the check transported along the check transport path from the upstream end to the downstream end.

2.   A system according to claim 1, further comprising an RFID tag encoder for wirelessly transmitting magnetic ink character recognition (MICR) encoded data to the RFID tag of the check transported along the check transport path from the upstream end to the downstream end.

3.   A financial document item processing system for processing a check having a radio frequency identification (RFID) tag associated therewith, the system comprising:

a check transport path along which the check can be transported from an upstream end of the check transport path to a downstream end of the check transport path; and

an RFID tag encoder disposed along the check transport path and for wirelessly transmitting magnetic ink character recognition (MICR) encoded data to the RFID tag of the check transported along the check transport path from the upstream end to the downstream end.

6.   A method of operating a financial document item processing system for processing a check having a radio frequency identification (RFID) tag associated therewith, the method comprising:

        wirelessly transmitting check endorsement data to the RFID tag of the check transported along a check transport path of the item processing system from an upstream end of the check transport path to a downstream end of the check transport path.

7.   A method according to claim 6, further comprising:

        wirelessly transmitting magnetic ink character recognition (MICR) encoded data to the RFID tag of the check transported along the check transport path from the upstream end to the downstream end.

8.   A method of operating a financial document item processing system for processing a check having a radio frequency identification (RFID) tag associated therewith, the method comprising:

        wirelessly transmitting magnetic ink character recognition (MICR) encoded data to the RFID tag of the check transported along a check transport path of the item processing system from an upstream end of the check transport path to a downstream end of the check transport path.

(9)   **EVIDENCE APPENDIX**

None.

(10) RELATED PROCEEDINGS APPENDIX

None.